

### REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. After entry of the foregoing amendment, Claims 1-5, 9, 12, and 14-20 remain pending in the present application. No new matter has been added.<sup>1</sup>

By way of summary, the Office Action presented the following issues: Claims 1-5, 9, 12, and 14-18 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite; and Claims 1-5, 9, 12, and 14-18 stand rejected under 35 U.S.C. § 103(a) as obvious over Bowman et al. (U.S. Patent Application Publ'n No. 2002/0174431 A1, hereinafter "Bowman") in view of Aarnio (U.S. Patent Application Publ'n No. 2004/0078274 A1).

### REJECTION UNDER 35 U.S.C. § 112

Claims 1-5, 9, 12, and 14-18 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

Regarding Claim 1, the Office asserted that "It is indefinite whether ['request[ing] a user registration,' an 'access request,' and 'request information'] are the same request, three separate requests, or a combination thereof."<sup>2</sup>

In this regard, the Office is reminded,

Breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph.<sup>3</sup>

It is therefore believed that the claims are sufficiently definite as written.

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<sup>1</sup> The amendments to Claims 1, 9, 12, and 17 find support at least in Figures 7-8 and in their accompanying text in the specification.

<sup>2</sup> Office Action at 3.

<sup>3</sup> MPEP 2173.04.

Nevertheless, Applicants have amended independent Claims 1, 9, 12, and 17 to remove the “access request” to clarify the claims for Examiner Huynh.

Further, the Office asserted that “by definition a ‘transmission means’ is not capable of receiving information . . . .”<sup>4</sup> In this regard, Applicants remind the Office that

An element in a claim for a combination may be expressed as a means . . . for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.<sup>5</sup>

Based on its assertion, the Office does not appear to have construed the “transmission means” as covering “the corresponding structure . . . described in the specification and equivalents thereof.” Thus, Applicants respectfully request that the Office support its assertion by explaining how “the corresponding structure . . . described in the specification and equivalents thereof” are “not capable of receiving information.”

Further, Applicants have amended independent Claims 1, 9, 12, and 17 to clarify the information requested by the available/unavailable request information.

Additionally, Applicants have amended Claim 1 to remove the recited notification means. Applicants have also removed related features from independent Claims 9, 12, and 17.

Applicants respectfully request the withdrawal of the rejection of Claims 1-5, 9, 12, and 14-18 under 35 U.S.C. § 112, second paragraph, as indefinite.

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<sup>4</sup> Office Action at 3.

<sup>5</sup> 35 U.S.C. § 112, sixth paragraph.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-5, 9, 12, and 14-18 stand rejected under 35 U.S.C. § 103(a) as obvious over Bowman in view of Aarnio. Although it is believed that the Office has failed to establish a *prima facie* case of obviousness with regard to the features recited in those claims, independent Claims 1, 9, 12, and 17 have been amended to clarify the claimed inventions and to thereby more clearly patentably define over the applied references.

Amended Claim 1 recites a communication apparatus, including, in part, “transmission means . . . for transmitting available/unavailable request information . . . , if said detection means detects that said externally input user personal information is not stored in said storage medium, the available/unavailable request information identifying a broadcast station that broadcast the received broadcast information . . . .” Bowman and Aarnio fail to disclose or suggest those features.

Bowman concerns “a service that, in response to an inquiry, sends the title of a sound recording played on a radio station to the subscriber’s mobile communications device.”<sup>6</sup> The Office conceded that “Bowman does not explicitly teach that the available/unavailable request information is transmitted if the transmission means detects that said user personal information is not detected by said detection means stored in said storage medium.”<sup>7</sup>

Applicants respectfully submit that Bowman does not disclose or suggest “transmission means . . . for transmitting available/unavailable request information . . . , if said detection means detects that said externally input user personal information is not stored in said storage medium, the available/unavailable request information identifying a broadcast station that broadcast the received broadcast information,” as recited in amended Claim 1.

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<sup>6</sup> Bowman, para. [0008].

<sup>7</sup> Office Action at 6.

Aarnio concerns an on-line subscription method, in which “the subscription server 20 determines whether user-specific information for a user exists.”<sup>8</sup> According to Aarnio, “If user-specific information does not exist for the user . . . , that user must register with the subscription server 20 and supply the requisite information before he can receive product-related information from the subscription server 20 . . . .”<sup>9</sup>

That is, Aarnio merely describes supplying requisite information to a subscription server. Aarnio contains no description that the supplied information identifies a broadcast station. Aarnio simply does not disclose or suggest “transmission means . . . for transmitting available/unavailable request information . . . , if said detection means detects that said externally input user personal information is not stored in said storage medium, the available/unavailable request information identifying a broadcast station that broadcast the received broadcast information,” as recited in amended Claim 1.

Thus, Bowman and Aarnio, taken alone or in combination, fail to disclose or suggest “transmission means . . . for transmitting available/unavailable request information . . . , if said detection means detects that said externally input user personal information is not stored in said storage medium, the available/unavailable request information identifying a broadcast station that broadcast the received broadcast information,” as recited in amended Claim 1.

It is respectfully submitted that Claim 1 (and all associated dependent claims) patentably distinguishes over any proper combination of Bowman and Aario for at least the foregoing reasons.

It is further submitted that independent Claims 9, 12, and 17 (and all associated dependent claims) are allowable for at least the reasons discussed above with regard to Claim 1.

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<sup>8</sup> Aarnio, para. [0023].

<sup>9</sup> Id.

NEW CLAIM

Applicants have added new Claims 19-20 to set forth the invention recited in Claim 1 in a varying scope. It is respectfully submitted that the new claims find support at least in Figure 8 and in its accompanying text in the specification. Thus, no new matter has been added.

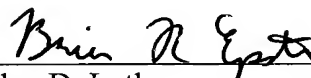
It is further submitted that new Claims 19-20 are allowable by virtue of their dependencies and for the more detailed features presented by the new claims.

CONCLUSION

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the present application is patentably distinguished over the cited art and is in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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